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SIPDIS

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TAGS: [PREL](#) [PTER](#) [KJUS](#) [YM](#) [COUNTER](#) [TERRORISM](#)

SUBJECT: MEETING WITH MOI AL-ALIMI: HOLD ON AL-BANNA AND DULQUM

Classified By: Ambassador Krajewski for Reasons 1.4 b and d.

1. (S/NF) Summary. At 18 October meeting with Minister of Interior al-Alimi, Ambassador urged continued detention of Jaber al-Banna and Hadi Dulqum. Alimi said there were no current plans to release either of the detainees and promised to inform Ambassador prior to any decision to release them. Ambassador repeated USG request to render al-Banna to USG custody for trial in the U.S. End Summary.

2. (S/NF) Jaber al-Banna: Ambassador and Legatt stressed to Alimi our desire to have al-Banna, a dual U.S.-Yemeni citizen, rendered to USG for trial in the U.S. Alimi stated that the Yemeni constitution would not allow for the rendition of a Yemeni national to a foreign government. He claimed that the ROYG is facing increasing internal pressure to either present al-Banna for trial or release him. Alimi said the USG failed to provide the ROYG with enough information to prosecute al-Banna and indicated that the ROYG may not be able to keep him in jail much longer unless the USG provides solid evidence of his alleged terrorist activities.

3. (S/NF) Hadi Dulqum: Ambassador expressed the USG's grave concern regarding recent indications that the ROYG intends to release Dulqum. Ambassador explained that sensitive collection and detainee interviews led the USG to judge Dulqum dangerous and that we want to see him remain behind bars. Alimi was less committal as to whether the ROYG intended to release Dulqum, stating that Dulqum should not be of major concern for the USG, as the ROYG did not consider him to be a terrorist. Alimi acknowledged that Dulqum may have supplied USS COLE bombers with explosives, but did not believe that this constituted evidence of Dulqum's guilt since he "did not know the explosives were for al-Qaida operations." He joked that if the ROYG arrested everyone who illegally sold explosives or weapons in Yemen, then "thousands of Yemenis would be in jail." Ambassador disagreed and stressed that the USG had reliable information regarding Dulqum's al-Qaida affiliations and his involvement in plots against U.S. and Saudi interests.

4. (S/NF) Legal Issues: Alimi suggested that Legatt provide a list of charges and indictment files on al-Banna as soon as possible. Once these documents were presented to the Attorney General, and if the ROYG deemed the evidence to be credible, then they would try al-Banna. Legatt replied such documents had already been provided to the ROYG, but the USG received no response and no action was taken. Alimi claimed that the documents did not go to the appropriate authorities and requested Legatt re-submit evidence to the MOI and the office of the Attorney General. Legatt agreed to translate and deliver the documents within one week. As for Hadi Dulqum, Alimi said that rendition to the U.S. or the KSA was a non-starter, adding that Dulqum was a Yemeni citizen and would be tried in Yemen, but only if the USG provides enough evidence to convict him. Alimi also suggested the issue of Dulqum be discussed further between ORCA and PSO.

5. (S/NF) Comment: Alimi repeatedly and unequivocally refused to permit rendition of al-Banna to U.S. custody. In his view, the only option is trial in Yemen. We can continue to insist on rendition, but it is our opinion that door is closed. Legatt will present (again) details of evidence against al-Banna to the Yemeni Attorney General's office. We have Alimi's assurance that the ROYG will not release Dulqum in the near future, however, his continued claim that Dulqum is an innocent arms dealer with no ties to AQ is troublesome. We have presented the ROYG with substantial information linking Dulqum to AQ and will do so again. End Comment.

KRAJESKI